

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
COLORADO STATE OFFICE  
2850 YOUNGFIELD STREET  
LAKEWOOD, COLORADO 80215-7093

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Instruction Memorandum No. CO-98-052  
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To: All Field Offices

From: Deputy State Director, Resource Services

Subject: Clarification of Cultural Resource Clearance  
Responsibilities and Maintenance on On-Going Projects

This memorandum, 1) clarifies Bureau of Land Management's (BLM) responsibilities under Section 106 of the National Historic Preservation Act (NHPA) and 36CFR800, in considering the effects of its undertakings on cultural properties included in or eligible for the National Register of Historic Places; and 2) provides direction on when cultural resource clearances are necessary on project driven activities, including new projects as well as old ones where maintenance is planned. An undertaking is defined by regulation in 36CFR800.2(o) as:

*"... any project, activity, or program that can result in changes in the character or use of historic properties, if any such historic properties are located in the area of potential effects. The project, activity, or program must be under the direct or indirect jurisdiction of a Federal agency or licensed or assisted by a Federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements not previously considered under Section 106."*

The Protocol with the State Historic Preservation Office supplements the National Programmatic Agreement recently executed between the BLM, the National Council of State Historic Preservation Officers, and Advisory Council on Historic Preservation, and although it substitutes for Section 106 and other authorities under the NHPA, it does not alleviate our responsibilities to identify, evaluate, protect, and manage eligible properties.

Cultural resource inventories are required on all internally initiated and authorized outside undertakings where new surface disturbing impacts are anticipated. Inventories may also be necessary for all existing, ongoing maintenance projects that were constructed in the past, where inventories were never completed, including those projects now in need of repair or reconstruction. An example of an undertaking would be the grading of an existing road if that blading could result in disturbance to previously undisturbed or unidentified cultural deposits. If Class III inventories have not been completed and the existing literature (Class I data) shows a

probability for potentially eligible cultural resources then a Class III inventory may be necessary. If the literature is inconclusive and the field archaeologist lacks knowledge of the area, it may be necessary to complete a reconnaissance to establish a need as to whether a Class III is necessary.

The decision as to whether a Class III inventory is necessary on old, previously unsurveyed, projects must be made on a case-by-case basis.

If there are questions concerning this direction please contact Rich Fike at (970) 240-5303.

*Frank Schussing*